

# **Chevy Chase Village Board of Managers**

## **July 8, 2013**

***Note:** These minutes reflect the Board's actions only, and do not include remarks made by members of the Board of Managers, Legal Counsel, Village Staff or others in attendance. An audio recording of this meeting is available on the Village website at [www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov) or by request to the Village office.*

### **BOARD OF MANAGERS**

Patricia S. Baptiste, Chair	Present
Michael L. Denger, Vice Chair	Present
Richard M. Ruda, Secretary	Present
David L. Winstead, Assistant Secretary	Present
Gary Crockett, Treasurer	Present
Robert C. Goodwin, Jr., Assistant Treasurer	Present
Elissa A. Leonard, Board Member	Present

### **STAFF**

Shana R. Davis-Cook, Village Manager	Present
John M. Fitzgerald, Police Chief	Absent
Adventino Dasilva, Police Sergeant	Present
Michael W. Younes, Director of Municipal Operations	Present
Demetri Protos, Finance Director	Present
Ellen Sands, Permitting and Code Enforcement Coordinator	Present
Jacqueline A. Parker, Public Safety Coordinator	Present
Katherine Clark, Community Liaison/Administrative Assistant	Present

### **COUNSEL**

Suellen M. Ferguson, Village Counsel	Present
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Ms. Patricia S. Baptiste, Chair of the Chevy Chase Village Board of Managers, called the meeting to order at 7:30 p.m. Mr. Winstead arrived at 7:33 p.m.

### **Approval of Minutes from the Board's Regular Meeting held on June 10, 2013**

Minutes of the Board's regular meeting held on June 10, 2013 were circulated to the Board prior to the meeting.

*Ms. Leonard moved to approve the minutes of the Board of Managers' regular monthly meeting held on June 10, 2013, as drafted. Mr. Crockett seconded the motion. Ms. Baptiste, Mr. Ruda, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. Mr. Winstead had not yet arrived. Mr. Denger was absent from the June 10, 2013 and did not vote. The motion passed.*

### **Approval of Minutes from the Board's Executive Session held on June 10, 2013**

Minutes of the Board's Executive Session held on June 10, 2013 were circulated to the Board prior to the meeting.

*Mr. Crockett moved to approve the minutes of the Board of Managers' Executive Session held on June 10, 2013, as drafted. Mr. Ruda seconded the motion. Ms. Baptiste, Mr. Ruda, Mr. Crockett, Mr. Goodwin and Ms. Leonard, voted in favor of the motion. Mr. Winstead had not yet arrived. Mr. Denger was absent from the June 10, 2013 and did not vote. The motion passed.*

### **Variance and Special Permit Request**

#### **A-6378 (a & b) (Variances): Ms. Sydney Bray and Mr. William John Bray III, 104 Oxford Street.**

Construct a second floor addition above an existing single story:

- a) the soffit and gutter of which would encroach a maximum of one foot, four and three-quarter inches (1'-4  $\frac{3}{4}$ ") into the seven (7) foot east (side) yard setback; and
- b) that would encroach a maximum of four feet, five and one-quarter inches (4'-5  $\frac{1}{4}$ ") forward of the twenty-five (25) foot front (Summerfield Road) building restriction line.

*Mr. Crockett moved to direct staff to draft a decision approving the variance requests to construct a second floor addition above an existing single story: a) the soffit and gutter of which would encroach a maximum of one foot, four and three-quarter inches (1'-4  $\frac{3}{4}$ ") into the seven (7) foot east (side) yard setback; and b) that would encroach a maximum of four feet, five and one-quarter inches (4'-5  $\frac{1}{4}$ ") forward of the twenty-five (25) foot front (Summerfield Road) building restriction line. Mr. Denger seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.*

#### **A-6377 (Variance): Mr. Geoffrey Etnire and Ms. Susan Goldberg, 111 East Melrose Street.**

Construct six (6) masonry piers, with light sconces, that would encroach a maximum of twenty-four feet, eight inches (24'-8") forward of the twenty-five (25) foot front building restriction line.

*Mr. Denger moved to direct staff to draft a decision approving the variance request to construct six (6) masonry piers, with light sconces, that would encroach a maximum of twenty-four feet, eight inches (24'-8") forward of the twenty-five (25) foot front building restriction line. Mr. Crockett seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.*

#### **A-6369 (Special Permit): Ms. Marjorie Zapruder, 10 East Lenox Street.**

Install a pair of handrails measuring a maximum of thirty (30) inches in length on either side of existing steps in the East Lenox Street public right-of-way. The proposed handrails would terminate six (6) inches from the public sidewalk.

*Ms. Leonard moved to direct staff to draft a decision approving the special permit request to install a pair of handrails measuring a maximum of thirty (30) inches in length on either side of existing steps in the East Lenox Street public right-of-way. The proposed handrails would terminate six (6) inches from the public sidewalk. Mr. Goodwin seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.*

**A-6381 (Variance): Mr. Christopher Sperl and Mr. Christopher Erckert, 28 Hesketh Street**  
Modify an existing stoop and one tread that would encroach a maximum of eleven and two-tenths (11.2) feet forward of the twenty-five (25) foot front building restriction line.

*Mr. Denger moved to direct staff to draft a decision approving the variance request to modify an existing stoop and one tread that would encroach a maximum of eleven and two-tenths (11.2) feet forward of the twenty-five (25) foot front building restriction line. Mr. Crockett seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.*

### **Treasurer's Report**

The Treasurer's Report was distributed prior to the meeting. No action was taken by the Board.

### **Police Report**

The Police Report was distributed prior to the meeting. No action was taken by the Board.

### **Committee Appointments**

#### **Audit Committee**

*Mr. Crockett moved to appoint Gail Feldman of Oxford Street as Chair of the Audit Committee and Louis Morsberger of Cedar Parkway as a member of the Audit Committee. Ms. Leonard seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.*

#### **Local Advisory Panel to the Historic Preservation Commission (HPC)**

*Mr. Denger moved to recommend to the HPC appointment of Myra Kovey of West Irving Street and Mark Nadel of Cedar Parkway to serve on the Local Advisory Panel (LAP) for the HPC Commission. Ms. Leonard seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.*

#### **Public Safety Committee**

*Mr. Denger moved to appoint Paloma Zuleta of Summerfield Road as a member of the Public Safety Committee. Mr. Crockett seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.*

## **Traffic Committee**

*Mr. Denger moved to reappoint Porter Wheeler of Oxford Street as Chair of the Traffic Committee. Mr. Ruda seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.*

## **Old Business & Status Reports**

### **Status Report on Capital Improvements Project Program**

Mr. Younes provided a status update on the various Capital Improvements and Utility Infrastructure Upgrade projects. No Board action was taken.

### **Capital Improvements Program – Comprehensive Sidewalk Replacements Project**

A report was distributed prior to the meeting. During the meeting the following items were addressed:

- *The Board re-affirmed its direction not to replace any sections of concrete sidewalk that are clearly scored where the sidewalk crosses the driveway and going forward to replace any sections of brick sidewalk that cross driveways with a concrete base.*
- *The Board unanimously agreed to replace brick sections as they cross driveways that have already been replaced on an as needed basis. When replaced a concrete base will be used.*
- *The Board directed staff to send letters to all homes where the existing brick sidewalk has already been replaced advising them of the weight restrictions and to recommend certain measures to protect the sidewalk when heavy trucks are anticipated to enter the property.*
- *The Board agreed to allow the replacement of the scored concrete section of sidewalk as it crosses the driveway at 107 East Lenox Street, provided the resident reimburses the Village for the extra cost.*

## **New Business**

### **Purchase Authorization Request**

*Mr. Denger moved to authorize the Village Manager to purchase one (1) fully out-fitted 2014 Chevrolet 2500HD 4WD pick-up truck under Montgomery County contract# 1022192 in the amount of \$30,692.91. Mr. Crockett seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.*

**Resolution No. 07-01-13:** An Ordinance amending Chapter 24, "Procurement and Disposition", Article II, "Source Selection and Contract Information", Division 3, "Procurement Exempt From Competitive Bidding and Proposal" by enacting Section 24-13, "Employee Benefits", to exempt procurement of employee benefits from competitive bidding and approval requirements under certain circumstances.

The following amendments were advanced by the Board to establish that employee benefits contract over \$5,000 will require approval of the Board of Managers:

- Page 2 – Delete the following: “Whereas, the Board of Managers has determined that it is in the public interest to exempt procurement of employee benefits from the competitive bidding process and the Board of Managers approval; and”
- Page 3 – Section 24-22 EMPLOYEE BENEFITS. Delete the following:  
“NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER,”.... “THE BOARD OF MANAGERS SHALL BE NOTIFIED OF ANY AWARD OF CONTRACT MADE BY VILLAGE MANAGER UNDER THIS SECTION.”<sup>1</sup>

*Mr. Denger moved approval of Resolution No. 07-01-13, as amended.* Mr. Crockett seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.

### **Staff Report on Liability Insurance and Public Officials Bonding**

Following a report by the Village Manager, the Board directed the Manager to obtain additional quotes for excess liability coverage in the amounts of \$5, \$10 and \$15 million.

The Board authorized the Manager to purchase a punitive damage endorsement at the below limits at an annual premium of \$1,200.

- Limit
  - \$200,000 per claim
  - \$500,000 per total claims that arise from the same occurrence or wrongful act.

The Board authorized the Manager to instruct the Village’s property coverage insurance carrier to increase the deductible from \$2,500 to \$10,000.

**Resolution No. 7-2-13:** A Resolution to amend Section 77-4 of the Chevy Chase Village Charter.

*Mr. Denger moved approval of Resolution No. 7-2-13, as drafted.* Mr. Crockett seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.

### **Manager’s Report**

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<sup>1</sup> Subsequent to the meeting, Village Counsel and the Board determined that in order to effect the proposed amendments, the following language in the proposed Ordinance would also need to be deleted: “, MAY BE AWARDED BY THE VILLAGE MANAGER”.

The Manager's Report was circulated prior to the meeting. No action was taken by the Board.

*Mr. Ruda moved to adjourn the meeting.* Mr. Winstead seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin, and Ms. Leonard voted in favor of the motion. The motion passed. The meeting adjourned at 10:09 p.m.

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Secretary, Chevy Chase Village Board of Managers

*Final.*